CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt	. 🔲 U.S.
Patrick Yu		Squad #6	201502541	☑ Abuse	e 🔲 O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinc	t: 18 Mo. SOL	EO SOL
Friday, 04/03/2015 3:00 PM		Mill Avenue and 56th	Drive	63	10/3/2016	10/3/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/T	Time Received at CC	CRB
Fri, 04/03/2015 4:02 PM		CCRB	On-line website	Fri, 04	-/03/2015 4:02 PM	
Complainant/Victim	Туре	Home Addre	ess	•		
•						
Subject Officer(s)	Shield	TaxID	Command			
1. POM Mark Brinadze	26105	948309	NARCBBS			
2. DT3 James Williams	06664	919867	NARCBBS			
3. DT3 Wilmar Mejia	03154	933014	NARCBBS			
Officer(s)	Allegatio	n		I	nvestigator Reco	mmendation
A.DT3 Wilmar Mejia	Abuse: D § 87(2)(b)	et. Wilmar Mejia stopp	ed § 87(2)(b)	and		
B.DT3 James Williams	Abuse: D	et. James Williams stop	pped § 87(2)(b)	and		
C.POM Mark Brinadze	Abuse: Po	O Mark Brinadze stopp	ed § 87(2)(b)	and		
D.DT3 Wilmar Mejia	Abuse: D	et. Wilmar Mejia friske	ed § 87(2)(b)			
E.DT3 Wilmar Mejia	Abuse: D	et. Wilmar Mejia search	hed § 87(2)(b)			
F.POM Mark Brinadze	Abuse: Po	O Mark Brinadze friske	ed § 87(2)(b)			
G.POM Mark Brinadze	Abuse: Po	O Mark Brinadze search	ned § 87(2)(b)			
H.DT3 Wilmar Mejia	Abuse: D and § 87(2)(8	et. Wilmar Mejia quest	ioned § 87(2)(b)			
I.DT3 James Williams	Abuse: D	et. James Williams que	stioned § 87(2)(b)			
J.POM Mark Brinadze	Abuse: Po	O Mark Brinadze quest	ioned § 87(2)(b)			
K.DT3 Wilmar Mejia	Abuse: D	et. Wilmar Mejia search was an occupant.	hed the car in which	§ 87(2)(b)		
L.DT3 Wilmar Mejia	Abuse: D	et. Wilmar Mejia search	hed § 87(2)(b)	s bags.		
M.DT3 James Williams	Abuse: D § 87(2)(b)	et. James Williams sear was an occup		ch		
N.DT3 James Williams	Abuse: D bags.	et. James Williams sear	cched § 87(2)(b)	S		
O.POM Mark Brinadze	Abuse: Po	O Mark Brinadze search was an occupant.	hed the car in which	§ 87(2)(b)		
P.POM Mark Brinadze	Abuse: Po	— O Mark Brinadze searcl	ned ^{§ 87(2)(b)}	s' bags.		
Q.DT3 Wilmar Mejia	Abuse: D § 87(2)(b)	et. Wilmar Mejia refuse	ed to provide his nan	ne to		
§ 87(2)(g), § 87(4-b)						

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

filed this complaint online via the CCRB website (Board

Review 07-08).
On April 3, 2015, at approximately 3:00 p.m., Det. Wilmar Mejia, Det. James Williams, and PO Mark Brinadze of Narcotics Borough Brooklyn South stopped and \$57(2)(0) and \$57(2)(0) as they sat in their car at the location of Mill Avenue and 56th Drive in Brooklyn (Allegations A, B, and C). Det. Mejia requested \$57(2)(0) to exit the vehicle and Det. Williams requested \$57(2)(0) to exit the vehicle. \$57(2)(0) and \$57(2)(0) were subsequently brought to the rear of the vehicle. Det. Mejia and PO Brinadze frisked and searched at the rear of the vehicle (Allegations D, E, F, and G). Det. Mejia, Det. Williams, and PO Brinadze questioned \$57(2)(0) and \$57(2)(0) in regards to them hiding weapons or drugs (Allegation H, I, J). Det. Mejia then entered \$57(2)(0) is vehicle and searched the center console area (Allegation K). Det. Mejia extended the search into \$57(2)(0) is bags (Allegation L). After Det. Mejia searched the vehicle, Det. Williams and PO Brinadze also searched the vehicle and searched \$57(2)(0) is bags (Allegations M, N, O, and P). \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is asked all of the officers for their names after the incident and they provided it to \$57(2)(0) is aske
Mediation, Civil and Criminal Histories
rejected mediation during his CCRB interview (Board Review 17). A Notice of
Claim query was submitted on July 6, 2015 and is currently pending (Board Review 16). [\$87(2)(6)]
07(<u>0)(0)</u>
Civilian and Officer CCRB Histories
 \$87(2)(b) has filed one prior CCRB complaint (Board Review 23). \$87(2)(b) has no prior CCRB complaints (Board Review 22).
 Det. Mejia has been a member of the NYPD for 12 years and has 16 prior allegations
involving eight cases with four substantiated allegations. § 87(2)(9)
In Cose gymber 200607752 Det Maiia had a "wahiala atau" and a "wahiala atau"
o In Case number 200607753, Det. Mejia had a "vehicle stop" and a "vehicle search" allegation exonerated.
o In Case number 200802293, Det. Mejia had a "vehicle stop" allegation
substantiated. In this case, the investigation found that Det. Mejia erroneously

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In Case number 200808895, Det. Mejia had a "stop" allegation exonerated.

categorized a single small object as a hand to hand transaction and therefore did not acquire the reasonable suspicion to believe that a narcotics transaction had occurred

inside the car.

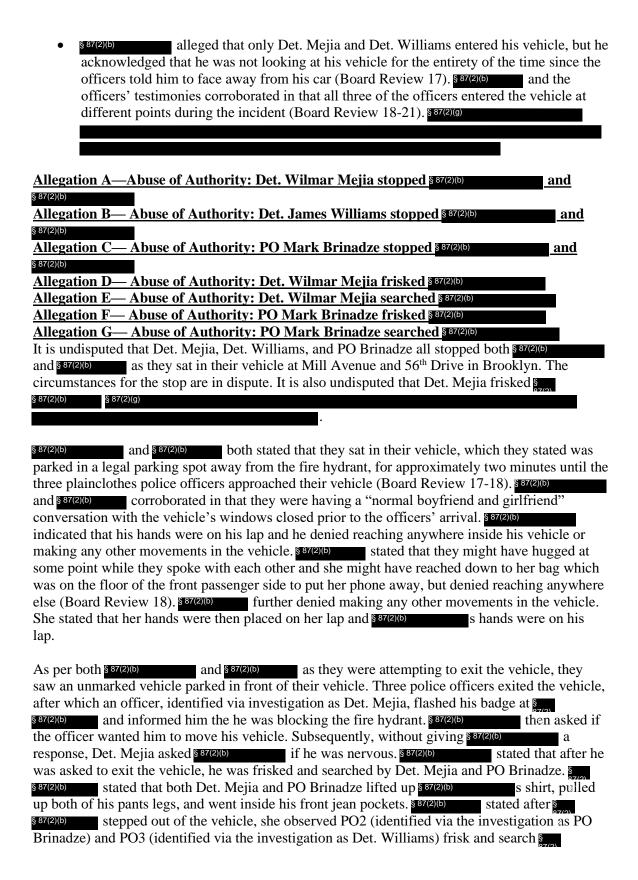
On April 3, 2015, § 87(2)(b)

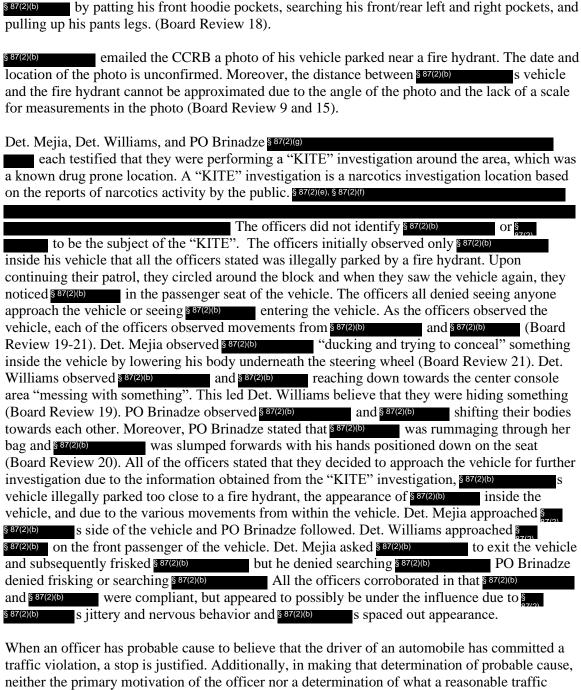
Det. Williams has been a member of the NYPD for 18 years and has 19 prior allegations involving nine cases with no substantiated allegations. § 87(4-b) § 87(2)(g) o In case numbers 200612571 and 200703857, Det. Williams had two "question and/or stop" allegations exonerated and a "vehicle search" allegation exonerated. o In case number 200815426, Det. Williams had a "stop" allegation exonerated. o In case number 201101743, Det. Williams had a "stop" unsubstantiated. PO Brinadze has been a member of the NYPD for five years and has 11 prior allegations involving seven cases with no substantiated allegations (See officer history). o Within the 11 allegations, PO Brinadze has had three "stop" allegations, three "search" allegations, and one "frisk" allegation pleaded to him. Finding and Recommendations **Explanation of Subject Officer Identification** s initial online complaint and CCRB testimony, he provided a description of the officers' unmarked police vehicle and also provided the license plate number '\$37(2)(e) (Board Review 07 and 17). Additionally, § 87(2)(b) provided the names of the officers as Det. Rodriguez, Det. Williams, and Det. "B" (Board Review 17). The Vehicle Utilization log for license plate number "\$\square\$ (2)@ with vehicle number "47842" showed that PO Brinadze operated the aforementioned vehicle from 12:00 p.m. – 4:00 a.m. on April 2, 2015. The Tactical Plan indicated that Det. Williams and PO Brinadze were partners assigned to the vehicle number 47842 (Board Review 24). Det. Meija, Det. Williams, and PO Brinadze all confirmed that they were working with each other on the date of incident (Board Review 19-21). \$87(2)(9) There were discrepancies in §87(2)(b) s descriptions of the officers, placement of the officers, and the alleged actions of each officer compared to § 87(2)(b) s recollection. Moreover, did not recall the names of the officers and only identified them as PO1, PO2, and PO3 (Board Review 18). All of the officers were generally consistent with each other and with s testimony regarding their placement while on the scene and alleged actions. § 87(2)(g) According to all of the officers and §87(2)(b) Det. Mejia and PO Brinadze were the primary officers that interacted with § 87(2)(b) and Det. Williams was the primary officer that interacted with \$87(2)(b) (Board Review 17 and 19-21). alleged that PO Brinadze was the officer that questioned him about having drugs during the incident, but [8/97(2)(b)] stated that it was the officer described as Det. Mejia who told them that they were hiding weapons and drugs (Board Review 17

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asked §87(2)(b) if they had weapons or drugs (Board Review 19). §87(2)(9)

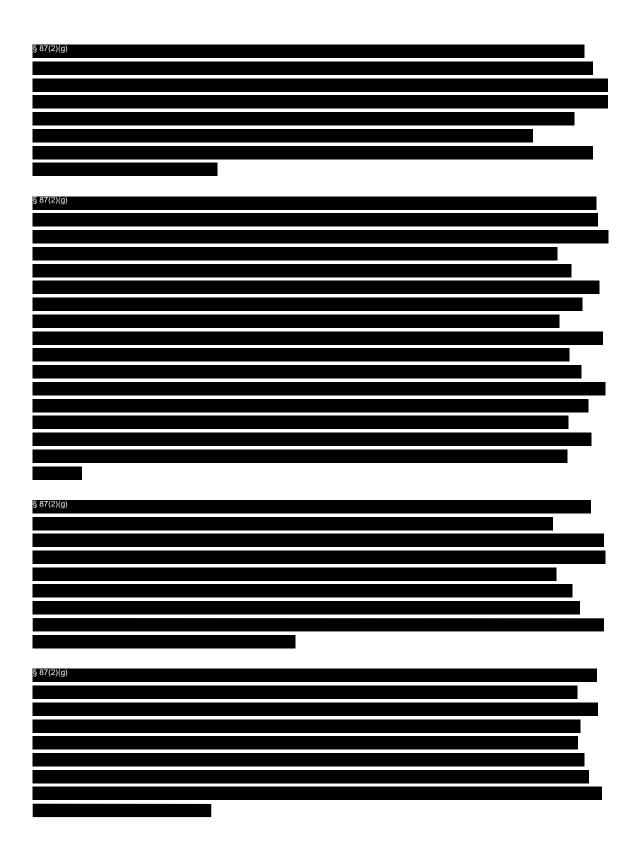
and 18). However, by Det. Williams' own admission, Det. Williams was the officer that





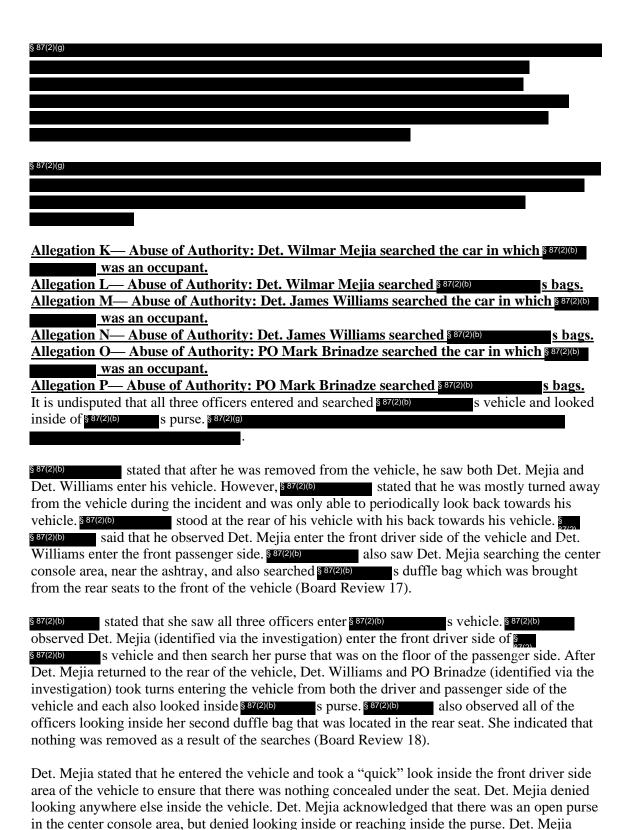
when an officer has probable cause to believe that the driver of an automobile has committed a traffic violation, a stop is justified. Additionally, in making that determination of probable cause, neither the primary motivation of the officer nor a determination of what a reasonable traffic officer would have done under the circumstances is relevant, People v. Robinson, 97 N.Y.2d 341 (2001) (Board Review 04). The Supreme Court adopted that an officer's probable cause to believe an individual has violated traffic code rendered the vehicle stop reasonable, Whren v. United States, 517 U.S. 806 (1996) (Board Review 27). The totality of information, even though it may be innocuous when isolated, obtained by the officer during a vehicle stop, in which the passenger was observed making furtive movements and when it leads to an actual and specific danger to the officer's safety, a frisk would be justified, People v. Feldman, 114 A.D.3d 603 (1st Dept. 2014) (Board Review 01).

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Allegation H— Abuse of Authority: Det. Wilmar Mejia questioned \$87(2)(b) and \$87(2)(b)
Allegation I— Abuse of Authority: Det. James Williams questioned S 87(2)(5)
investigation as Det. Mejia) as to whether they were hiding drugs and weapons (Board Review 18). However, \$87(2)(b) indicated that he did not hear the aforementioned statement toward and stated that when he was out of the vehicle, only PO Brinadze asked if he had any drugs (Board Review 17).
Det. Mejia denied that he questioned \$\frac{\$\frac{87(2)(b)}{2}}{2}\$ or \$\frac{\$\frac{87(2)(b)}{2}}{2}\$ about weapons or drugs in the car. Det. Mejia stated that he asked only asked \$\frac{87(2)(b)}{2}\$ non-accusatory questions such as, "How are you doing," and "What are you doing in the neighborhood?" (Board Review 21). Moreover, Det. Mejia denied speaking with \$\frac{87(2)(b)}{2}\$ at any point during the incident (Board Review 25).
Det. Williams admitted that he asked [\$87(2)(6)] if there were any drugs or weapons in the car and he indicated that [\$87(2)(6)] replied, "No." Det. Williams stated that he asked the aforementioned question for everyone's safety (Board Review 19).
PO Brinadze admitted that he questioned but stated that he only asked for anyone, and why he was parked by a hydrant. PO Brinadze indicated that he did not ask \$87(2)(6) any additional questions (Board Review 20).
An officer's request for information must be supported by an objective credible reason, not necessarily indicative of criminality. However, an officer cannot ask accusatory questions without founded suspicion that criminality is afoot, People v. Hollman , 79 N.Y.2d 181 (1992) (Board Review 02). An officer's observation of the occupants of a vehicle acting nervous does not provide the officer with founded suspicion of criminality, People v. Garcia , 959 N.Y.S.2d 464, 467-69 (2012) (Board Review 26).
§ 87(2)(g)
§ 87(2)(g)



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denied searching a duffle bag that was in the backseat. He did not see if PO Brinadze or Det.

Williams entered the vehicle (Board Review 21).

Det. Williams admitted to entering the front passenger side area of the vehicle to look for any hidden weapons or contraband. Moreover, Det. Williams insisted that another officer "must have" looked inside the driver side. However, he could not recall which officer did so. Det. Williams explained that he searched the "lungeable areas" in the car, which included the floor and around the seat. He did not recall if he opened the center console or glove compartment. Det. Williams stated that he searched searched spread pursue by reaching inside to ensure that there were no guns or pills inside. The purse was located in the center console area. Det. Williams denied searching anywhere else in the vehicle or searching any other duffle bag (Board Review 19).

PO Brinadze stated that he entered the front driver side area of the vehicle and checked the floor of the vehicle because it was a "lungeable area". PO Brinadze did so to check for any weapons since he had observed a lot of movements inside the vehicle prior. PO Brinadze noticed an open purse in the center console area and looked inside it for approximately two seconds, but denied reaching inside the bag. PO Brinadze stated that he did not see any narcotics nor was anything recovered, but stated that there was a possibility there were narcotics based on the occupants' appearances (he described as \$87(2)(6) \$\text{being hyper and jittery while }\text{\$87(2)(6) \$\text{ appearance}\$ appeared to be very down and "out of it"). PO Brinadze acknowledged that Det. Williams entered the vehicle via the passenger side and Det. Mejia entered the front driver side after he [PO Brinadze] had already looked inside the vehicle (Board Review 20).

Absent probable cause and after the suspects have been removed and frisked without incident, thereby eliminating any immediate threat to the officer's safety, an officer may not search a vehicle, <u>People v. Torres</u>, 74 N.Y.2d 224 (1989) (Board Review 03). When the "actual and specific danger" has been eliminated, an officer may not extend his search into a stopped vehicle without probable cause, <u>People v. Mundo</u>, 90 N.Y.2d 55 (2002) (Board Review 28).

§ 87(2)(g)	
§ 87(2)(g)	

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§ 87(2)(g)
Allegation O. Abuga of Authority, Dat Wilman Maiia refugad to provide his name to
Allegation Q— Abuse of Authority: Det. Wilmar Mejia refused to provide his name to
stated that at the conclusion of the incident he requested for each of the officer's names. recalled their names to be Det. Rodriguez, Det. Williams, and Det. "B" (Board Review 17). The investigation later determined that Det. Mejia, Det. Williams, and PO Brinadze were the officers involved during the incident. structure also stated that each of the officers identified themselves to structure.
Det. Mejia stated that he had displayed his badge to \$87(2)(b) when he first approached his vehicle and also when \$87(2)(b) requested for his name and shield at the end of the incident. Det. Mejia denied telling \$87(2)(b) that his name was "Det. Rodriguez" and did not hear any other officers do so. Furthermore, the investigation determined that there were no officers named "Det. Rodriguez" on the scene (Board Review 21). PO Brinadze denied hearing any officers say that their name was Det. Rodriguez. PO Brinadze stated that Det. Rodriguez was not on the scene during the incident.
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)

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§ 87(4-b), § 87(2)(g)			
Pod:			
Investigator:			
Signature	Print	Date	
C			
Supervisor:			
Title/Signature	Print	Date	
D			
Reviewer:Title/Signature	Print	Date	
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Reviewer:			
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